

Stout is confined at the Fluvanna Correctional Center for Women. In the Complaint, she alleged the following claims: (1) Haight bullied, harassed and intimidated Stout; (2) Haight retaliated against Stout for filing grievances by firing her and by failing to sign paperwork necessary for Stout to get another prison job; and (3) Haight failed to protect Stout from another inmate's aggressive behavior, all

in violation of Stout's First and Eighth Amendment rights. By Opinion and Order entered September 24, 2019, I dismissed all of Stout's claims except her contention that Haight unlawfully retaliated against her by preventing her from obtaining another prison job. *Stout v. Haight*, No. 7:18CV00402, 2019 WL 8953342, at \*5–6 (W.D. Va. Sept. 24, 2019). Haight then filed a summary judgment motion, which was fully briefed. By Order and Opinion entered August 24, 2020, I denied summary judgment and referred the case to the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) to conduct a bench trial and to submit a report setting forth appropriate findings of fact, conclusions of law, and a recommended disposition of the remaining claim against the defendant. *Stout v. Haight*, No. 7:18CV00402, 2020 WL 4937125, at \*3 (W.D. Va. Aug. 24, 2020).

The magistrate judge thereafter conducted a two-day bench trial and submitted a R. & R. on March 26, 2021, in which she set forth findings of fact and conclusions of law and recommended that the plaintiff's claim be rejected. *Stout v. Haight*, No. 7:18CV00402, 2021 WL 1153063 (W.D. Va. Mar. 26, 2021) (Sargent, J.). In essence, the magistrate judge found based on the evidence that the reason that Haight did not sign the paperwork necessary for Stout to receive another prison job was because Haight was no longer her supervisor, and not because Haight was motivated to retaliate against Stout. 2021 WL 1153063, at \*9. The magistrate judge

also found that in any event, Stout suffered no injury by Haight's refusal to sign her job application because it did not prevent Stout from applying for other jobs. *Id.*

The plaintiff has filed a timely Objection to the R. & R. in which she disputes the magistrate judge's crucial findings of fact.

I have carefully considered the plaintiff's arguments in light of my review of the transcripts of the bench trial. I find that the magistrate judge's findings of fact were adequately supported by the evidence presented at the bench trial. Accordingly, it is **ORDERED** as follows:

1. The plaintiff's Objection, ECF No. 100, is OVERRULED;
2. The Report and Recommendation, ECF No. 93, is fully ACCEPTED; and
3. The court will enter a separate final judgment in favor of the defendant.

ENTER: July 16, 2021

/s/ JAMES P. JONES  
United States District Judge